

REMARKS**I. Claim Rejections Under 35 U.S.C. §103**

The Examiner objected to claim 4 and stated that "said diagnostic" perhaps should be recited as "diagnostic data". As a consequence of amending claim 4, this objection has been removed.

II. Claim Rejections Under 35 U.S.C. §103**Requirements for Prima Facie Obviousness**

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an Applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met.

Syed

Claims 1-20 are apparently rejected under 35 U.S.C. 103(a) as being unpatentable over Syed et al, hereinafter "Syed"(US Patent No. 2005/0035848 A1).

With regard to independent system claim 6, the Examiner argued that Syed discloses a latch system (front page figure), comprising: a. data associated with a latch (status), wherein the data is generated in response to automatically analyzing the latch, a graphical user interface for graphically displaying the data within a display area thereof, and b. a communications link (fig. 2) between said graphical user interface 320 and the latch over which latch operational and functionality feedback information (open or close command) is communicated to the latch, in response to user input provided to the graphical user interface (See also page 2, [0037]).

The Examiner argued that the system in Syed is used for monitoring and operating an embedded transceiver lock/latch (ETL). The Examiner asserts however that one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired because the function of the system, e.g. lock status and control function such as open or close command, would not thereby be modified.

With regard to claims 7 & 8, the Examiner argued that the latch in Syed's system is automatically analyzed in response to user input provided through said graphical user interface 230 (See page 2, [0038]) and that the latch is inherently automatically analyzed during latch operations thereof.

With regard to claims 9 & 10, the Examiner argued that the status/diagnostic data in Syed's system comprises latch functionality and operational information and that the functionality and operation of the latch in Syed's system are automatically modified, in response to communicating latch operational and functionality feedback information to the latch over the communications link (i.e. the lock open or closed upon input from the operator at the operator interface terminal).

With regard to claims 11 & 12, the Examiner argued that the graphical user interface 230 is displayable within a display screen associated with a data processing system and that the communications link in the Syed system comprises a wireless communications link between the data processing system and the latch.

The Applicants respectfully disagree with this assessment. Contrary to the Examiner's assertion, the Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify Syed to provide the system as claimed 6. Syed is directed to a network directed embedded transceiver lock (ETL) system and method which is connected to a service gateway controller over a telecom infrastructure. The system of Syed does not disclose a diagnostic system comprising diagnostic data associated with a latch which diagnostic data is generated in response to automatically analyzing the latch, as claimed in claim 6. Also, Syed does not disclose a graphical user interface for graphically displaying the diagnostic data within a display area thereof as claimed.

Contrary to the Examiner's assertion made in relation to claim 7 that the latch in Syed's system is automatically analyzed in response to a user input provided through a graphical interface 230 (see page 2, [0038]), In fact, Syed

states that "The door controller interrogates the 185 about the registered ETL information...." (see line 1 of [0038] and FIG. 1). 185 is a repository holding subscriber information and is not the ETL itself so that the door controller does not, in fact, analyze a latch at all. The system of Syed merely controls opening and closing of the ETL and nothing more (see in particular [0037] & [0038]) and no analysis of the actual ETL is performed by the Syed system so that there is nothing disclosed in Syed to teach or suggest to one of ordinary skill in the art to modify the system of Syed to provide a diagnostic system as claimed in claim 6.

Moreover, the person of ordinary skill in the art would be discouraged from modifying Syed to provide the diagnostic system of claim 6 because Syed is an end-end system adapted specifically for REAL-ESTATE use where a broker office attendant may send commands to the ETL to open/close for a potential buyer standing outside a for sale property (See paragraph 037, FIG. 1 and Abstract, in particular, last sentence) and it would be inappropriate to adopt the general teaching of the system of Syed including a call center, subscriber interface, service controller etc of Syed to provide a diagnostic system for diagnosing the latch.

Having regard to the foregoing, the Applicant respectfully submits that any rejection of claim 6 as obvious on the basis that one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired must be based on hindsight of the system of claim 6.

Nevertheless, in order further to distinguish claim 6 in view of the cited prior art, claim 6 has been amended to limit the diagnostic data to diagnostic data which comprises latch operational and/or functional information for debugging of said latch and to clarify that the a graphical user interface graphically displays the diagnostic data within a display area thereof for permitting a user to initiate particular latch operational and debugging functionalities.

By providing diagnostic data representing latch operational and/or functional information for debugging the latch and a graphical user interface graphically

displaying the diagnostic data thereof for permitting a user to initiate particular latch operational and debugging functionalities as now claimed, the system is capable of diagnosing the latch operational and/or functional problems so that a user can initiate a particular latch operational and debugging functionality, as required.

For the reasons already mentioned above, Syed is concerned with obtaining subscriber information for a particular ETL and there is nothing disclosed in Syed to teach or suggest one of ordinary skill to modify the system thereof to provide diagnostic data comprising latch operational and/or functional information which is appropriate for debugging the latch nor is there anything disclosed in Syed to teach or suggest to provide a graphical user interface which displays the diagnostic data within a display area thereof for permitting a user to initiate particular latch operational and debugging functionalities, as now claimed in amended claim 6.

Additionally, amendments have been made to dependent system claims 7, 9, 11 & 12 so as more adequately to protect important diagnostic and debugging features of the system in view of the cited prior art. Particularly, the subject matter of claim 7 is now directed to latch debugging operation data which is communicated over said communications link between said graphical user interface and said latch in response to the graphical user interface being activated to initiate a latch debugging operation. Claim 9 is now directed to the latch operational and functionality information comprising internal electrical functionality and status data. Also, claim 11 is now directed to diagnostic data which comprises motor current, positional feedback and/or pulse width modulation information. Claim 12 is now directed to the subject matter of old claim 7.

With regard to old claim 7, now claim 12, as already mentioned above, the Examiner's assertion that the latch in Syed's system is automatically analyzed in response to a user input provided through a graphical interface 230 (see page 2, [0038]), is unjustified because Syed states that "The door controller interrogates

the 185 about the registered ETL information...." (see line 1 of [0038] and FIG. 1). 185 is a repository holding subscriber information and is not the ETL itself so that the door controller does not, in fact, analyze a latch at all.

With regard to claim 8, for the same reason mentioned in the preceding paragraph, the Examiner's assertion that Syed's system is inherently automatically analyzed during latch operations thereof is unjustified.

With regard to claim 9, Syed does not disclose or suggest latch functionality and operational information which comprises internal electrical functionality and status data as claimed in amended claim 9.

With regard to claim 11, Syed does not disclose or suggest diagnostic data comprises motor current, positional feedback and/or pulse width modulation information as now claimed.

Turning now to method claims 1-5 and program product claims 13-20, with regard to method claims 1-3, the Examiner argued that the rejection of claim 1-3 recites the rejection of claim 6-8, respectively, except they are method claims.

With regard to method claim 4, the Examiner asserts that In Syed's, the step of graphically displaying the diagnostic data within a display area of the graphical user interface further comprises the step of display the status/diagnostic data within the display area, wherein the data comprises latch functionality and operational information, such as open or closed.

With regard to method claim 5, the Examiner argued that the method in Syed's automatically modifying a functionality and an operation of the latch, in response to communicating latch operational and functionality feedback information

to the latch, that is, the function and operation of the latch is remotely controlled by the operator input at the monitoring station.

With regard to Independent program product claim 13, the Examiner argued that though a program is not clearly shown in Syed, it is inherent that a program product residing in a memory of a data-processing system for diagnosing/operating a latch is included in the system, which comprises: a. instruction means residing in a data-processing system for generating diagnostic data associated with a Latch, in response to automatically analyzing said latch, b. instruction means residing in a data-processing system for providing a graphical user interface for graphically displaying said diagnostic data within a display area thereof, and c. instruction means residing in a data-processing system for communicating latch operational and functionality feedback information from the graphical user interface to the latch in response to user input provided through said graphical user interface.

The Examiner argued that the system in Syed is used for monitoring and operating embedded transceiver lock/latch. However, the Examiner argued that one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired because the function of the system, e.g. lock status and control function such as open or close command, would not thereby be modified.

With regard to dependent claims 14 -20, the Examiner argued that Syed discloses the features of these claims.

The Applicant cannot agree with the Examiner's assessment of method claims 1-5 and program product claims 13-20.

Contrary to the Examiner's assertion, the Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify Syed to provide the method as claimed in Independent claim 1 and claims dependent thereon or to

provide the program product as claimed in independent claim 13 and claims dependent thereon because, for the reasons already mentioned above in relation to independent system claim 6 and claims dependent thereon, Syed clearly does not teach or suggest diagnosing the ETL (latch).

Nevertheless, independent claims 1 & 13 have been amended further to distinguish the claim in view of the cited prior art. Amended claims 1 & 13 are now limited to diagnostic data comprising latch operational and/or functional information for debugging of said latch; and to graphically displaying said diagnostic data within a display area of a graphical user interface for permitting a user to initiate particular latch operational and debugging functionalities. Also, additional amendments have been made to claims 2, 4, 16, 18 & 19 and new claim 21 has been added so as to provide adequate protection for important diagnostic and debugging features of the method and program product in view of the cited prior art.

The Applicant respectfully submits that amended independent claims 1 & 13 and amended dependent claims 2, 4, 16, 18 & 19 and new claim 21 are novel and unobvious in view of Syed.

Thus, with regard to amended independent claims 1, 6 & 13 and the claims dependent therefrom, at least the first and third prongs of the aforementioned test that must be satisfied to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103 are not met. There is no suggestion or motivation, in Syed or in the knowledge generally available to one of ordinary skill in the art, to modify Syed so as to provide the claims' limitations, in particular, the diagnostic data comprising latch operational and/or functional information for debugging of the latch and displaying the diagnostic data within a display area of a graphical user interface for permitting a user to initiate particular latch operational and debugging functionalities. Furthermore, there is no teaching or suggestion of all the claims' limitations by Syed.

Therefore, the Applicants respectfully submit that the rejection to independent claims 1, 6 and 13 and claims 2-5, 7-12 & 14-20 dependent therefrom have been traversed and should be withdrawn. The Applicants therefore respectfully request that the rejection to claims 1-20 be withdrawn.

Kominami

The Examiner states that the prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The Examiner asserts that Kominami et al., hereinafter "Kominami", US Patent No. 6,785,595, discloses an electronic control system for vehicle accessory devices.

The Applicant notes that Kominami does not disclose or suggest a diagnostic system, method or program product as claimed in claims 1-20.

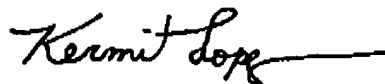
III. Conclusion

In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action. The Applicants have clarified the structural distinctions of the present invention by discussions herein. The foregoing discussion and amendments do not present new issues for consideration and no new search is necessitated. Such amendments are supported by the specification and do not constitute new matter. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and further examination of the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the

undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,



Dated: March 9, 2006

Tel. (505) 314-1312
Fax. (505) 314-1307

Kermit Lopez
Attorney for Applicants
Registration No. 41,953
ORTIZ & LOPEZ, PLLC
P.O. Box 4484
Albuquerque, NM 87196-4484